HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. ___200308979-1___

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):   Richard D. Ellison

Application No.: 10/719,771

Filing Date: November 21, 2003

Confirmation No.: 3099

Examiner: Daniel Swerdlow

Group Art Unit: 2615

Title: GAIN CONTROL

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on ___July 2, 2007___ .

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120   ☐ 2nd Month $450   ☐ 3rd Month $1020   ☐ 4th Month $1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of ___$ 500___ . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

☒ A duplicate copy of this transmittal letter is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit: 07/18/2007

OR

☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.
Date of facsimile:
Typed Name: Jennifer L. Vomhof
Signature:

Respectfully submitted,
Richard D. Ellison
By
Edward J. Brooks III

Attorney/Agent for Applicant(s)

Reg No. :   40,925

Date :   07/18/2007

Telephone :   (612) 236-0120

Rev 10/06a (AplBrief)

Docket No.: 200308979-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/719,771
Appellants:	:	Richard D. Ellison
Filed:	:	November 21, 2003
TC/A.U.	:	2615
Examiner:	:	Daniel Swerdlow
Title	:	GAIN CONTROL

APPEAL BRIEF

MS APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madame:

This brief is presented under 37 CFR § 41.37 in support of an appeal from a Final Office Action of June 5, 2007 regarding the above-identified application. Notice of the Appeal was filed under 37 CFR § 41.31 on July 2, 2007.

This brief is accompanied by the fee set forth in 37 CFR § 41.20(b)(2), as described in the accompanying TRANSMITTAL OF APPEAL BRIEF.

.1

This brief contains items under the following headings as required by 37 C.F.R. § 41.37:

The final page of this brief bears the attorney's signature.

I. REAL PARTY IN INTEREST

The real parties in interest for this appeal are:

A. The Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"); and

B. HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERANCES

Appellant submits that no related application is presently undergoing appeal or interference proceedings.

III. STATUS OF CLAIMS

A. Total Claims: 1-37

B. Current Status of Claims:

    1. Claims canceled: none

    2. Claims withdrawn: none

    3. Claims pending: 1-37

    4. Claims allowed: none

    5. Claims rejected: 1-37

    6. Claims objected to: none

C. Claims on Appeal: 1-37

IV. STATUS OF AMENDMENTS

Appellant has not filed any amendments to the application subsequent to the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Independent claim 1

Independent claim 1 recites a gain controller including a measurement module having program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN). (Page 2, line 31, through page 3, line 9; page 6, line 1, through page 7, line 26; page 8, lines 1-22; page 11, lines 31-33; page 15, lines 7-12; and Figures 1-5). The gain controller also includes a gain factor setting module having program instructions to set a gain value by comparing the measured power level to a threshold (page 6, line 25, through page 7, line 8; page 7, lines 26-33; page 8, line 24, through page 9, line 4; page 10, lines 5-16; page 12, lines 1-8 and 23-32; and Figures 2-4), and a gain adjustment module having program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream (page 3, lines 5-9; page 7, lines 3-8; page 9, lines 6-19; page 10, line 18, through page 11, line 13; page 12, lines 10-21; and Figures 2-4) to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN. (Page 2, line 31, through page 3, line 5; page 9, line 21, page 10, line 3; page 15, lines 7-12; and Figures 1, 2, and 5).

Independent claim 1 is argued together with dependent claims 2-6.

B.   Independent claim 7

Independent claim 7 recites a gain control system including a switch to receive a voice signal stream from a voice signal source (page 2, line 31, through page 3, line 5; page 3, lines 11-32; page 4, line 14, through page 6, line 8; page 11, lines 24-29; page 13, line 8, through page 15, line 5; and Figures 1, 2, 4, and 5), and a gain adjustment module to receive an outgoing voice signal stream from the switch, the gain adjustment module having program instructions to adjust a power level of the outgoing voice signal stream by applying a gain value to the outgoing voice signal stream. (Page 3, lines 5-9; page 7, lines 3-8; page 9, lines 6-19; page 10, line 18, through page 11, line 13; page 12, lines 10-21; and Figures 2-4). The gain control system also includes a measurement module having program instructions to measure a power level at a number of segments of the outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN). (Page 2, line 31, through page 3, line 9; page 6, line 1, through page 7, line 26; page 8, lines 1-22; page 11, lines 31-33; page 15, lines 7-12; and Figures 1-5). In addition, the gain control system includes a gain factor setting module coupled to the gain adjustment module where the gain factor setting module includes program instructions to set the gain value by comparing the measured power level to a threshold (page 6, line 25, through page 7, line 8; page 7, lines 26-33; page 8, line 24, through page 9, line 4; page 10, lines 5-16; page 12, lines 1-8 and 23-32; and Figures 2-4) to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the

PSTN. (Page 2, line 31, through page 3, line 5; page 9, line 21, page 10, line 3; page 15, lines 7-12; and Figures 1, 2, and 5).

Independent claim 7 is argued together with dependent claims 8-13.

C.   Independent claim 14

Independent claim 14 recites a gain control system including a voice signal source to produce an outgoing voice signal stream, the voice signal source coupled to a Public Switched Telephone Network (PSTN) (page 2, line 31, through page 3, line 5; page 3, lines 11-32; page 4, line 14, through page 6, line 8; page 11, lines 24-29; page 13, line 8, through page 15, line 5; and Figures 1, 2, 4, and 5), and a media platform coupled to the PSTN and the voice signal source. (Page 3, line 11, through page 6, line 8; page 13, line 8, through page 15, line 5; and Figures 1 and 5). The media platform includes a switch to receive the voice signal stream from the voice signal source (page 2, line 31, through page 3, line 5; page 3, lines 11-32; page 4, line 14, through page 6, line 8; page 11, lines 24-29; page 13, line 8, through page 15, line 5; and Figures 1, 2, 4, and 5), a measurement module having program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to the PSTN (page 2, line 31, through page 3, line 9; page 6, line 1, through page 7, line 26; page 8, lines 1-22; page 11, lines 31-33; page 15, lines 7-12; and Figures 1-5), means for adjusting a power level of the voice signal stream (page 3, lines 5-9; page 6, line 25, through page 7, line 8; page 7, lines 3-8 and lines 26-33; page 8, line 24, through page 9, line 4; page 9, lines 6-19; page 10, line 5, through page 11, line 13; page 12, lines 1-32; and Figures 2-4) to operate

within compliance of the PSTN before the outgoing voice signal stream enters an output channel in communication with the PSTN (page 2, line 31, through page 3, line 5; page 9, line 21, page 10, line 3; page 15, lines 7-12; and Figures 1, 2, and 5), and the output channel in communication with the PSTN to receive the voice signal stream from the media platform. (Page 3, lines 17-32; page 5, lines 1-8; page 6, lines 1-8 and line 30 through page 7, line 15; page 12, lines 14-16; page 13, line 8, through page 15, line 5; and Figures 1, 2, and 5).

Independent claim 14 is argued together with dependent claims 15-20.

D.   Independent claim 21

Independent claim 21 recites a method for adjusting the power level of a voice signal stream. The method includes receiving an outgoing voice signal stream (page 2, line 31, through page 3, line 5; page 3, lines 11-32; page 4, line 14, through page 6, line 8; page 11, lines 24-29; page 13, line 8, through page 15, line 5; and Figures 1, 2, 4, and 5), measuring a power level of the outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN) (page 2, line 31, through page 3, line 9; page 6, line 1, through page 7, line 26; page 8, lines 1-22; page 11, lines 31-33; page 15, lines 7-12; and Figures 1-5), comparing at least one of the power levels measured at the number of points in time with a threshold (page 6, line 25, through page 7, line 8; page 7, lines 26-33; page 8, line 24, through page 9, line 4; page 10, lines 5-16; page 12, lines 1-8 and 23-32; and Figures 2-4), and adjusting the power level of the outgoing voice signal stream based on the comparison (page 3, lines 5-9; page 7,

7

lines 3-8; page 9, lines 6-19; page 10, line 18, through page 11, line 13; page 12, lines 10-21; and Figures 2-4) to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN. (Page 2, line 31, through page 3, line 5; page 9, line 21, page 10, line 3; page 15, lines 7-12; and Figures 1, 2, and 5).

Independent claim 21 is argued together with dependent claims 22-26.

E.   Independent claim 27

Independent claim 27 recites a computer readable medium having a program to cause a device to perform a method. The method includes receiving an outgoing voice signal stream (page 2, line 31, through page 3, line 5; page 3, lines 11-32; page 4, line 14, through page 6, line 8; page 11, lines 24-29; page 13, line 8, through page 15, line 5; and Figures 1, 2, 4, and 5), measuring a power level of the outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN) (page 2, line 31, through page 3, line 9; page 6, line 1, through page 7, line 26; page 8, lines 1-22; page 11, lines 31-33; page 15, lines 7-12; and Figures 1-5), comparing at least one of the measured power levels with a threshold (page 6, line 25, through page 7, line 8; page 7, lines 26-33; page 8, line 24, through page 9, line 4; page 10, lines 5-16; page 12, lines 1-8 and 23-32; and Figures 2-4), and adjusting the power level of the outgoing voice signal stream based on the comparison (page 3, lines 5-9; page 7, lines 3-8; page 9, lines 6-19; page 10, line 18, through page 11, line 13; page 12, lines 10-21; and Figures 2-4) to operate within compliance of the PSTN before the

outgoing voice signal stream enters the output channel in communication with the PSTN. (Page 2, line 31, through page 3, line 5; page 9, line 21, page 10, line 3; page 15, lines 7-12; and Figures 1, 2, and 5).

Independent claim 27 is argued together with dependent claims 28-33.

F.   Independent claim 34

Independent claim 34 recites a method for adjusting the power level of a voice signal stream. The method includes measuring a power level of an outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN) (page 2, line 31, through page 3, line 9; page 6, line 1, through page 7, line 26; page 8, lines 1-22; page 11, lines 31-33; page 15, lines 7-12; and Figures 1-5), comparing a number of the power levels measured with a number of thresholds (page 6, line 25, through page 7, line 8; page 7, lines 26-33; page 8, line 24, through page 9, line 4; page 10, lines 5-16; page 12, lines 1-8 and 23-32; and Figures 2-4), and gradually adjusting the power level of the outgoing voice signal stream over time based on the comparison to bring the power level toward a target output level (page 3, lines 5-9; page 7, lines 3-8; page 9, lines 6-19; page 10, line 18, through page 11, line 13; page 12, lines 10-21; and Figures 2-4) to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN. (Page 2, line 31, through page 3, line 5; page 9, line 21, page 10, line 3; page 15, lines 7-12; and Figures 1, 2, and 5).

Independent claim 34 is argued together with dependent claims 35-37.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   Whether or not claims 1-37 are unpatentable under 35 USC § 102(b) over Smith et al. (US Patent 5,267,322) (Digital Automatic Gain Control with Lookahead, Adaptive Noise Floor Sensing, and Decay Boost Initialization).

VII.   ARGUMENT

A.   Arguments against the rejections under § 102(b) over the Smith '322 reference.

1.   Arguments regarding claims 1-37.

a.   **For claims 1-37, the cited reference does not disclose each and every element.**

Appellant's independent claims 1, 7, 14, 21, 27, and 34 each presently recites, "an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN)".

From Appellant's review of the Smith '322 reference, the reference does not describe, "an output channel that is <u>communicating the outgoing voice signal stream to a Public Switched Telephone Network</u> (PSTN)", as recited in Appellant's independent claims 1, 7, 14, 21, 27, and 34. For example, the Smith reference states in column 5, lines 27-32:

> The telephone interface elements 20 include one or more analog <u>line interface</u> modules 24, which <u>receive incoming calls on a public switched telephone line 70</u>. As is known in the art, the analog interface modules <u>digitize incoming call signals</u> and <u>assign the call to a channel in the system</u>.

Element 70 in Fig. 1A of Smith appears to show output only "to PBX or central office switch". As found in the Webopedia Computer Dictionary (www.webopedia.com/TERM/P/PBX.html), the definition of "PBX" is *"private branch exchange,* a private <u>telephone</u> network used within an <u>enterprise</u>."

10

(Emphasis in original). Smith also states, "As shown in Fig. 1C, voice data samples are obtained by the analog interface modules 24 which receive analog voice audio 80 from a telephone line on trunk 70." (Col. 6, line 67, through col. 7, line 1). The "central office switch" to which output is sent from element 70 in Fig. 1A of Smith, as in the Webopedia Computer Dictionary, also appears to be utilized with "a private telephone network used within an enterprise."

In addition, Smith states in the System Overview that "The system preferably is the VoiceServer 2110 product commercially available from Digital Sound Corp., Carpinteria, Calif." (Col. 5, lines 15-18). Hence, the Smith reference appears to describe a voice messaging system to receive incoming calls on a public switched telephone line and internally assign such calls to a line, or channel, in the system.

The Smith '322 reference does not show a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream to operate within compliance of a Public Switched Telephone Network (PSTN) before the outgoing voice signal stream enters an output channel connected to the PSTN. As such, the Smith '322 reference does not describe, "an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN)", as recited in Appellant's independent claims 1, 7, 14, 21, 27, and 34.

Hence, the Smith '322 reference does not describe:

a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream by

11

applying the gain value to the outgoing voice signal stream to operate

within compliance of the PSTN before the outgoing voice signal

stream enters the output channel in communication with the PSTN.

as recited in Appellant's independent claim 1, as previously presented;

a gain factor setting module coupled to the gain adjustment

module wherein the gain factor setting module includes program

instructions to set the gain value by comparing the measured power

level to a threshold to operate within compliance of the PSTN before

the outgoing voice signal stream enters the output channel in

communication with the PSTN.

as recited in Appellant's independent claim 7, as previously presented;

means for adjusting a power level of the voice signal stream

to operate within compliance of the PSTN before the outgoing voice

signal stream enters an output channel in communication with the

PSTN;

as recited in Appellant's independent claim 14, as previously presented;

adjusting the power level of the outgoing voice signal stream

based on the comparison to operate within compliance of the PSTN

before the outgoing voice signal stream enters the output channel in

communication with the PSTN.

as recited in Appellant's independent claims 21 and 27, as previously presented; and

gradually adjusting the power level of the outgoing voice

signal stream over time based on the comparison to bring the power

12

level toward a target output level to operate within compliance of the

PSTN <u>before the outgoing voice signal stream enters the output</u>

<u>channel in communication with the PSTN</u>.

as recited in Appellant's independent claims 21 and 27, as previously presented.

As indicated in the Summary of Claimed Subject Matter in Section V of the

present Appeal Brief, support for the underlined elements of the just-recited claims

can be found in the specification of the present application as originally filed. For

example, the specification recites on page 6, line 31, through page 7, line 1:

In the embodiment <u>shown in Figure 2</u>, the <u>gain controller</u> 220 uses

computer executable instructions to <u>monitor the power level of the</u>

<u>signal stream</u> between a voice signal source 202 and <u>an output</u>

<u>channel 208, that is in communication with the PSTN 222</u>.

Further support can be found on: page 6, lines 10-15; page 12, lines 15-16; and page

15, lines 7-12. Additional support can be found elsewhere in the specification as

originally filed, as indicated in the Summary of Claimed Subject Matter, for

example in Figures 1, 2, and 5.

As such, Appellant respectfully submits that each and every element and

limitation of independent claims 1, 7, 14, 21, 27, and 34, as amended, is not present

in the Smith reference. Accordingly, Appellant respectfully requests

reconsideration and withdrawal of the 102 rejection of independent claims 1, 7, 14,

21, 27, and 34, as amended, as well as those claims that depend therefrom.

CONCLUSION

Appellant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner and/or members of the Board are invited to telephone Appellant's attorney Adam Franks at (011) 33-4-76-14-46-32 to facilitate this appeal.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on this 18th day of July, 2007.

Jennifer L. Vomhof
Name

_____
Signature

Respectfully Submitted,
Richard D. Ellison

By his Representatives:
BROOKS, CAMERON &
HUEBSCH, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

Atty: Edward J. Brooks III
Reg. No.: 40,925

Date: 7/18/2007

14

VIII. CLAIMS APPENDIX

1.   (Previously Presented) A gain controller, comprising:

a measurement module including program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN);

a gain factor setting module including program instructions to set a gain value by comparing the measured power level to a threshold; and

a gain adjustment module including program instructions to adjust the power level of the outgoing voice signal stream by applying the gain value to the outgoing voice signal stream to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

2.   (Original) The controller of claim 1, wherein the gain factor setting module includes program instructions to compare the measured power level to at least two thresholds in order to set the gain value.

3.   (Original) The controller of claim 1, wherein the gain factor setting module includes program instructions to store measured power levels and a previously applied gain value to a memory.

4.   (Original) The controller of claim 1, wherein the gain adjustment module includes program instructions to apply the gain value, set by the gain factor setting module, to the voice signal stream to maintain the power level between a high threshold and a low threshold.

5.   (Original) The controller of claim 1, wherein the gain adjustment module includes program instructions to multiply the power level by the gain value.

15

6.   (Original) The controller of claim 1, wherein the gain adjustment module includes program instructions to add the gain value to the power level.

7.   (Previously Presented) A gain control system, comprising:

a switch to receive a voice signal stream from a voice signal source;

a gain adjustment module to receive an outgoing voice signal stream from the switch, the gain adjustment module including program instructions to adjust a power level of the outgoing voice signal stream by applying a gain value to the outgoing voice signal stream;

a measurement module including program instructions to measure a power level at a number of segments of the outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN); and

a gain factor setting module coupled to the gain adjustment module wherein the gain factor setting module includes program instructions to set the gain value by comparing the measured power level to a threshold to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

8.   (Original) The system of claim 7, wherein the gain adjustment module can adjust the gain before the voice signal stream has entered an output channel.

9.   (Original) The system of claim 7, further including memory to store a number of power level measurements taken at the number of segments in the voice signal stream.

10.   (Original) The system of claim 9, further including program instructions to add the number of power level measurements together to provide a total power level.

16

11.   (Original) The system of claim 10, further including program instructions to average the added power level measurements to provide an average power level.

12.   (Original) The system of claim 7, further including program instructions to compare the measured power level to two different high threshold levels.

13.   (Original) The system of claim 7, further including program instructions to compare the measured power level to a high threshold level and a low threshold level.

14.   (Previously Presented) A gain control system, comprising:

a voice signal source to produce an outgoing voice signal stream, the voice signal source coupled to a Public Switched Telephone Network (PSTN);

a media platform coupled to the PSTN and the voice signal source, the media platform having:

a switch to receive the voice signal stream from the voice signal source;

a measurement module including program instructions to measure a power level of an outgoing voice signal stream before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to the PSTN;

means for adjusting a power level of the voice signal stream to operate within compliance of the PSTN before the outgoing voice signal stream enters an output channel in communication with the PSTN; and

the output channel in communication with the PSTN to receive the voice signal stream from the media platform.

15.   (Original) The system of claim 14, wherein means for adjusting the power level of the voice signal stream includes a gain controller having a set of computer executable instructions.

16.   (Original) The system of claim 15, wherein the gain controller includes a measurement module, a gain factor setting module, and a gain adjustment module.

17.   (Original) The system of claim 16, wherein the measurement module measures the power level of the voice signal stream.

18.   (Original) The system of claim 16, wherein the gain factor setting module sets a gain value for application to the power level based upon measurement information from the measurement module.

19.   (Original) The system of claim 16, wherein the gain adjustment module adjusts the gain applied to the power level based upon the gain value selected by the gain factor setting module.

20.   (Original) The system of claim 14, wherein means for adjusting the power level includes program instructions stored in memory within the media platform and executed by a processor.

21.   (Previously Presented) A method for adjusting the power level of a voice signal stream, comprising:

        receiving an outgoing voice signal stream;

        measuring a power level of the outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN);

        comparing at least one of the power levels measured at the number of points in time with a threshold; and

        adjusting the power level of the outgoing voice signal stream based on the comparison to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

22. (Original) The method of claim 21, wherein comparing at least one of the power levels measured at the number of points in time includes comparing at least one of the measured power levels to at least two thresholds.

23. (Original) The method of claim 21, wherein adjusting the power level of the voice signal stream includes applying a gain value to the stream.

24. (Original) The method of claim 21, wherein measuring the power level at a number of points in time includes measuring a power level of a number of segments of the voice signal stream.

25. (Original) The method of claim 24, wherein comparing at least one of the power levels to a threshold includes comparing the measured power level at each segment with the threshold.

26. (Original) The method of claim 21, wherein the method further includes averaging the power levels measured at the number of points in time and comparing the average to a threshold.

27. (Previously Presented) A computer readable medium having a program to cause a device to perform a method, comprising:

receiving an outgoing voice signal stream;

measuring a power level of the outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN);

comparing at least one of the measured power levels with a threshold; and

adjusting the power level of the outgoing voice signal stream based on the comparison to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

28.   (Original) The computer readable medium of claim 27, wherein adjusting the power level of the voice signal stream includes adjusting the power level in differing increments based on a proximity of the measured power level to the threshold.

29.   (Original) The computer readable medium of claim 27, wherein the method further includes defining an average measured power level of a number of segments.

30.   (Original) The computer readable medium of claim 29, wherein a power level of a newest measured segment replaces a power level of an oldest measured segment and a new average is calculated.

31.   (Original) The computer readable medium of claim 27, wherein adjusting the power level includes adjusting before the signal stream enters a T1 channel connected to a Public Switched Telephone Network.

32.   (Original) The computer readable medium of claim 27, wherein receiving a voice signal stream includes receiving a voice signal stream stored in memory.

33.   (Original) The computer readable medium of claim 27, wherein receiving a voice signal stream includes receiving a voice signal stream output from a text-to-speech application program.

34.   (Previously Presented) A method for adjusting the power level of a voice signal stream, comprising:

        measuring a power level of an outgoing voice signal stream at a number of points in time before the outgoing voice signal stream enters an output channel that is communicating the outgoing voice signal stream to a Public Switched Telephone Network (PSTN);

        comparing a number of the power levels measured with a number of thresholds; and

gradually adjusting the power level of the outgoing voice signal stream over time based on the comparison to bring the power level toward a target output level to operate within compliance of the PSTN before the outgoing voice signal stream enters the output channel in communication with the PSTN.

35.   (Original) The method of claim 34, wherein gradually adjusting the power level includes changing an amount of adjustment based upon a proximity of the power level to the target output level.

36.   (Original) The method of claim 34, wherein comparing a number of power levels includes comparing the power levels to four thresholds.

37.   (Original) The method of claim 36, wherein gradually adjusting the power level includes increasing an amount of adjustment when the power level is outside a first set of thresholds with respect to the target output level.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None